


# COUNTY OF YORK

## MEMORANDUM

**DATE:** November 30, 1999 (BOS Mtg. 12/15/99)  
**TO:** York County Board of Supervisors  
**FROM:** Daniel M. Stuck, County Administrator   
**SUBJECT:** Application No. UP-554-99, James-York Plaza, L.L.C. -  
Amendment of Special Use Permit

### ISSUE

On November 18, 1998, the Board of Supervisors approved by the adoption of Resolution R98-208 a special use permit (UP-537-98) to authorize the establishment of a mini-storage warehouse facility at the James-York Plaza shopping center along Merrimac Trail (Route 143). The applicant has submitted a proposed revision to the approved concept plan in order to construct outward-facing storage bay doors. These doors would face the private road that runs from Hubbard Lane to the shopping center, the property line adjacent to the James-York Playhouse along Hubbard Lane, and the western side of the shopping center (towards the ABC store). The applicant is precluded from constructing outward-facing storage doors by Condition No. 7 of Resolution R98-208: *"All storage bay doors shall face the interior of the development and the orientation of the office and manager residence shall be as depicted on the conceptual plan dated August 26, 1998."* The applicant has requested the proposed change as a minor amendment to the existing special use permit which may be approved by the Board without public hearing or Planning Commission consideration.

### DESCRIPTION

- Property Owner: James York Plaza, L.L.C.
- Location: Adjacent to James York Plaza
- Area: 4.1 acres
- Frontage: None; entrance is within James-York Plaza shopping center
- Utilities: Public water and sewer are available
- Topography: Generally flat
- 2015 Land Use Map Designation: General Business
- Zoning Classification: GB - General Business
- Existing Development: None

- Surrounding Development:

North:	James-York Plaza shopping center; single family houses beyond
East:	James-York Playhouse; Hubbard Lane (Route 716) beyond
South:	Magruder Elementary School
West:	James-York Plaza shopping center; Merrimac Trail beyond

- Proposed Amendment: Outward-facing storage bay doors

## CONSIDERATIONS/CONCLUSIONS

1. On November 18, 1998, the Board of Supervisors adopted Resolution R98-208 approving Application UP-537-98 to authorize a special use permit for the establishment of a mini-storage warehouse facility at the James York Plaza shopping center along Merrimac Trail (Route 143). The applicant wishes to revise condition No. 7<sup>1</sup> of Resolution R98-208 to allow storage bay doors to face the exterior of the warehouse development.
2. There are three types of amendments to special use permits: administrative, minor amendment, and major amendment. An amendment falls into one of the three categories depending upon the scope of the proposed changes. Section 24.1-115(d)(2) of the Zoning Ordinance provides for amendments of special use permits for minor enlargements, expansions, increases in intensity, relocations, or modifications of conditions by resolution of the Board, without public hearing. Such minor changes must comply with all of the following criteria:
  - a. There will be a cumulative total of less than a 25% increase in either total lot coverage or floor area.
  - b. There will be no detrimental impact on any adjacent property caused by significant change in the appearance or the use of the property or any other contributing factor.
  - c. Nothing in the currently valid use permit precludes or otherwise limits such expansion or enlargement.
  - d. The proposal conforms to the provisions of this article and is in keeping with the spirit and intent of the adopted comprehensive plan.

The applicant is of the opinion that the proposed revision meets all four of the aforementioned criteria and should be considered a **minor amendment**.

---

<sup>1</sup> Condition No. 7 of Resolution No. R98-208: All storage bay doors shall face the interior of the development and the orientation of the office and manager residence shall be as depicted on the conceptual plan dated August 26, 1998.

3. This is the applicant's second request for relief from the conditions set forth in Resolution R98-208; the first involved condition No. 3, which stated that "*All fencing erected shall be a wrought-iron style as depicted in the photo submitted by the applicant...*." In accordance with Section 24.1-114 of the Zoning Ordinance, the applicant was granted administrative approval to erect different style fencing in inconspicuous areas. Approval of the current request will result in a product that differs greatly from what was approved in 1998. Outward-facing storage doors are partly responsible for the negative aesthetic character of older, existing mini-storage developments and are likely to have a similar effect on the subject development. Public hearings for proposed mini-storage warehouse developments have often generated a great deal of public input. No citizens expressed opposition to the original, aesthetically acceptable concept plan and associated conceptual photographs. Though no citizens expressed discontent with the original proposal at either of the public hearings, a number of citizens called the Planning Division to get a brief summary of the proposed development. Any fears of improper aesthetic treatments, including outward-facing storage bay doors, were allayed by staff members' assurance that such features would be addressed in the use permit conditions. By obtaining approval of a series of small changes once the conceptual plan was approved, the developer may be permitted to construct a facility that might not have received such a favorable outlook from staff or the citizens.

I believe that the current proposal is not in conformance with the aforementioned Condition No. 2 of Section 24.1-115(d)(2) of the Zoning Ordinance [to be considered a minor amendment]: "*There will be no detrimental impact on any adjacent property caused by significant change in the appearance of the use of the property or any other contributing factor.*" As was mentioned before, staff told adjacent property owners and interested citizens that there would be no outward-facing storage bay doors. Based on this information, interested parties determined what, if any, impact the proposed warehouses would have on their properties. Because this proposal represents a significant aesthetic difference from the original, I feel that the citizens should be given the opportunity, through Planning Commission review and public hearing, to reassess the potential impacts of such a change on their properties.

4. I am concerned that permitting outward-facing storage doors will set a precedent that will be difficult to overcome. Since 1995, staff and the Board have worked diligently to improve the design of mini-storage warehouse facilities, including requirements for increased landscape buffers in front of storage doors and, most recently, by precluding outward-facing doors. Landscape buffers have not provided the level of screening that is necessary to mitigate the negative visual impact of outward-facing bay doors; consequently, a condition precluding their construction was included in Resolution R98-208. It should be noted that an identical condition has been included in an application for a mini-storage facility along Route 134 (Application No. UP-552-99, The Storing Crew) and will likely be included as a condition in all future mini-storage warehouse use permits. Approval of this request could undermine the County's efforts to improve the design of mini-storage warehouses.

**RECOMMENDATION**

As you are aware, staff is concerned with the aesthetics of mini-storage warehouses in the County and in conjunction with the Board has gone to great lengths to ensure that new warehouse developments are held to appropriately high standards. Outward-facing storage bay doors on older, established mini-storage developments are unattractive and I can find no compelling reason to believe that they will improve the aesthetics of the concept plan for this site that was approved in 1998. The proposed storage bay doors will be visible to shopping center patrons as well as people living along Hubbard Lane. Additionally, such a request may make efforts to improve the aesthetics of mini-storage warehouses in the County more difficult. The applicant believes that any negative effects of the bay door realignment will be limited to the shopping center property and should therefore be considered a minor amendment. I believe that this request represents a major change to the approved concept plan and should be denied as a minor amendment. However, should you choose to approve this application, you may do so by adopting attached Resolution R99-230. It should be noted that staff has revised Condition No. 7 to ensure that the outward-facing storage bay doors are concealed by vegetation.

Baldwin/3495.ppl  
Attachments

- Letter, Marc A. Shook to Robert A. Baldwin, 11/04/99
- Proposed Concept Plan titled "Mini-storage, James-York Plaza," 11/03/99
- Color Photos (5 pages)
- Resolution R98-208
- Proposed Resolution R99-230